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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/544,194

08/02/2005

Pavlo Barvinko

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08/25/2010

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

ANYIKIRE, CHIKAODILI E

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

08/25/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/544,194	Applicant(s) BARVINKO ET AL.	
	Examiner CHIKAODILI E. ANYIKIRE	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/14/2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application is responsive to application number (10/544194) filed on August 2, 2005. Claims 1-17 are pending and have been examined.

Response to Arguments

2. Applicant's arguments filed June 14, 2010 have been fully considered but they are not persuasive.

The applicant argues that Koike does not teach different operating modes (Remarks of June 14, 2010, page 5 lines 20 -21). Further, the applicant does not believe that the reading of an analog signal being process by an A/D converter and a digital signal being converted by a D/A converter is a proper reading of the claims (Remarks of June 14, 2010; page 6 lines 31 – page 7 lines 8). The examiner respectfully disagrees. The term “operating mode” does not limit what the operation can be and further it is dependent and the switch between which operation happens based on the type of signal received an analog or a digital.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-17 rejected under 35 U.S.C. 102(b) as being anticipated by Koike et al (US 2002/0191955, hereafter Koike).

As per **claim 1**, Koike discloses a video recording apparatus comprising a first input for receiving at least a first input signal of a first type (Fig 1 element 24; paragraph [0048]);

a second input for receiving at least a second input signal of a second type different than the first type (Fig 1 element 44; paragraph [0055]);

means for operating in a first operating mode when no input signal is detected on the second input (paragraph [0047]); and

means for operating in a second operating mode having different functionality than the first operating mode when an input signal is detected on the second input (paragraph [0047]; Koike discloses that depending on the signal whether it is digital or analog (i.e. video) the signal processor converts the signal to the opposite signal).

As per **claim 2**, A video recording apparatus as claimed in claim 1 wherein the different functionality comprises different video recording functionality.

As per **claim 3**, A video recording apparatus as claimed in claim 1 wherein the first and second operating modes have different video editing functionality.

As per **claim 4**, A video recording apparatus as claimed in claim 1 wherein the second operating mode is a video archiving mode.

As per **claim 5**, A video recording apparatus as claimed in claim 1 wherein the apparatus has hardware limitations that cause a first functionality limitation on signals of the first type and a second functionality limitation on signals of the second type and the functionality of the first operating mode meets that of the first functionality limitation and the functionality of the second operating mode meets that of the second functionality limitation.

As per **claim 6**, A video recording apparatus as claimed in claim 5 wherein the hardware limitation is a computational resource limitation.

As per **claim 7**, Koike discloses a video recording apparatus as claimed in claim 1 wherein the second type of input signal comprises additional information not present in the first type of input signal and the second mode comprises functionality using this additional information (paragraph [0049]).

As per **claim 8**, Koike discloses a video recording apparatus as claimed in claim 1 wherein the different functionality comprises different input signal selection functionality (paragraph [0049]).

As per **claim 9**, Koike discloses a video recording apparatus as claimed in claim 8 further comprising means for selecting an input signal and wherein the first operation mode allows only selection of an input signal associated with the first input (paragraph [0043]).

As per **claim 10**, Koike discloses a video recording apparatus as claimed in claim 9 wherein the means for selecting are operable to skip the input signals associated with the second input when in the first operating mode (paragraph [0043]).

As per **claim 11**, Koike discloses a video recording apparatus as claimed in claim 10 wherein the selection means comprises a selection carousel which in the first operation mode includes only input signals associated with the first input (paragraph [0043]).

As per **claim 12**, Koike discloses a video recording apparatus as claimed in claim 8 wherein the selection means is operable to only select the second input signal when in the second mode (paragraph [0049]).

As per **claim 13**, Koike discloses a video recording apparatus as claimed in claim 1 wherein the first type of input signal is an analogue type of input signal and the second type of input signal is a digital type of input signal (paragraph [0043], [0047], and [0049]).

As per **claim 14**, Koike discloses a video recording apparatus as claimed in claim 13 wherein the second type of signal is a digital video (DV) signal (paragraph [0055]).

Regarding **claim 15**, arguments analogous to those presented for claim 1 are applicable for claim 15.

As per **claim 16**, Koike discloses a computer program enabling the carrying out of a method according to claim 15 (paragraph [0038]).

As per **claim 17**, Koike discloses a record carrier comprising a computer program as claimed in claim 16 (paragraph [0038]).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIKAODILI E. ANYIKIRE whose telephone number is (571)270-1445. The examiner can normally be reached on Monday to Friday, 7:30 am to 5 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272 - 7905. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/Chikaodili Anyikire/
Patent Examiner AU 2621